

Translation

PATENT COOPERATION TREATY

PCT/EP2003/012921



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 65129AWOM1	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/012921	International filing date (day/month/year) 19 November 2003 (19.11.2003)	Priority date (day/month/year) 02 December 2002 (02.12.2002)
International Patent Classification (IPC) or national classification and IPC C08K 5/3462		
Applicant CROMPTON VINYL ADDITIVES GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>1</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 17 June 2004 (17.06.2004)	Date of completion of this report 04 March 2005 (04.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/012921

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-43 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-20 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 21-26 _____, filed with the letter of _____ 27 February 2005 (27.02.2005)
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/12921

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	25-26	YES
	Claims	1-24	NO
Inventive step (IS)	Claims	25-26	YES
	Claims	1-24	NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

2. Citations and explanations

Citations

D1: EP-A-0 967 245

D2: EP-A-0 065 934

D3: EP-A-0 768 336

Novelty

Claims 1 to 24 are not novel.

Claims 25 and 26 are novel.

Document D2 describes compositions containing monosubstituted uracils of formula (I), together with methods and uses, that have all the features specified in claims 1 to 24. See D2, page 3, lines 16 to 19 and the claim (R2 and R3 are hydrogen), and page 3, lines 13 to 27, and page 8, lines 6 to 17.

Inventive step

Claims 25 and 26 involve an inventive step.

There is nothing in D2 to suggest to a person skilled in the art that monosubstituted uracils of formula (II) are highly suitable for colour stabilisation in chlorine-containing polymers.

Industrial applicability

The claimed subject matter is industrially applicable.

Feld Nr. VIII (i) ERKLÄRUNG: IDENTITÄT DES ERFINDERS

Die Erklärung muß dem in Abschnitt 211 vorgeschriebenen Wortlaut entsprechen; siehe Anmerkungen zu den Feldern VIII, VIII (i) bis (v) (allgemein) und insbesondere die Anmerkungen zum Feld Nr. VIII (i). Wird dieses Feld nicht benutzt, so sollte dieses Blatt dem Antrag nicht beigelegt werden.

Erklärung hinsichtlich der Identität des Erfinders (Regeln 4.17 Ziffer i und 51bis.1 Absatz a Ziffer i):

In Bezug auf diese internationale Anmeldung:

WEHNER, Wolfgang, wohnhaft in 64673 Zwingenberg, Wetzbach 34, DE
und FRIEDRICH, Hans-Helmut, wohnhaft in 64686 Lautertal-Gadernheim, Am
Rauhenstein 8, DE, sind die Erfinder des Gegenstandes, für den im Wege dieser
internationalen Anmeldung um Schutz nachgesucht wird.

Diese Erklärung wird abgegeben im Hinblick auf alle Bestimmungsstaaten.

☐ Diese Erklärung wird auf dem folgenden Blatt fortgeführt, "Fortsetzungsblatt für Feld Nr. VIII (i)".

Feld Nr. VIII (iii) ERKLÄRUNG: BERECHTIGUNG, DIE PRIORITÄT EINER FRÜHEREN ANMELDUNG ZU BEANSPRUCHEN

Die Erklärung muß dem in Abschnitt 213 vorgeschriebenen Wortlaut entsprechen; siehe Anmerkungen zu den Feldern VIII, VIII (i) bis (v) (allgemein) und insbesondere die Anmerkungen zum Feld Nr. VIII (iii). Wird dieses Feld nicht benutzt, so sollte dieses Blatt dem Antrag nicht beigelegt werden.

Erklärung hinsichtlich der Berechtigung des Anmelders, zum Zeitpunkt des internationalen Anmeldedatums, die Priorität der unten aufgeführten früheren Anmeldung zu beanspruchen, in Fällen, in denen der Anmelder nicht auch der Anmelder der früheren Anmeldung ist, oder in Fällen, in denen sich der Name des Anmelders seit der Einreichung der früheren Anmeldung geändert hat (Regeln 4.17 Ziffer iii und 51 bis 1 Absatz a Ziffer iii):

In bezug auf diese internationale Anmeldung:

Die Crompton Vinyl Additives GmbH ist kraft des nachfolgend Aufgeführten berechtigt, die Priorität der früheren Anmeldung Nr. 02 02 6875 vom 02. Dezember 2002 (02.12.02), EP zu beanspruchen:

Die Crompton Vinyl Additives GmbH ist berechtigt, als Arbeitgeber der Erfinder WEHNER, Wolfgang und FRIEDRICH, Hans-Helmut.

Diese Erklärung wird abgegeben im Hinblick auf alle Bestimmungsstaaten.

☐ Diese Erklärung wird auf dem folgenden Blatt fortgeführt, "Fortsetzungsblatt für Feld Nr. VIII (iii)".